

MINUTES
PRIVATE PROBATION PROVIDER BOARD
OCTOBER 26, 2004– 9:00 A.M.
North Conference Room – First Floor - Heber Wells Bldg.
160 East 300 South
Salt Lake City, Utah

CONVENED: 10:20 A.M.

ADJOURNED: 11:00 A.M.

PRESENT:

Clyde Ormond, Bureau Manager
Jacky Adams, Acting Board Secretary
Board Members:
Larry McDonald Kathy Ockey
Sylvester Daniels

ABSENT:

James Rowley Sandra Thackeray

GUESTS:

Nicole Snyder; Mitchell Jones, Assistant Attorney General; and Craig Jackson, Division Director

TOPICS FOR DISCUSSION:

DECISIONS AND RECOMMENDATIONS:

ADMINISTRATIVE BUSINESS:

Minutes:

The Board approved the minutes of the July 27, 2004 board meeting as written.

NEW BUSINESS:

Rules Hearing

Mr. Ormond asked the Board whether they felt the proposed rule changes and subsequent rules hearing, would solve the misunderstanding within the profession regarding the standard of conduct required. This can occur when a Private Probation Provider (PPP) offers therapy services in conjunction with probation services. Mr. Jones felt the initial problem, PPP engaging in both practices posing a conflict of interest, had been resolved. Ms. Ockey agreed, adding she felt the statute should be rewritten, to better clarify the standard of conduct. A rules change should then be developed to coincide with the change to the statute. Mr. Ormond and Mr. Jackson agreed.

Mr. Daniels and Ms. Ockey felt some other problems that had arisen from the hearing were as follows: 1. abuse of services is one of the biggest complaints. A judge will order probation or other services expecting it to last six months, when in reality it goes on for one to two years; 2. when a PPP doesn't charge a probationer for PPP services but charges for other services offered

within their agencies; 3. if a judge orders counseling and leaves it up to the PPP or the agency associated with the PPP to determine the length of time, a PPP could require more counseling than is needed.

Mr. Daniels stated it also poses a problem to notify the judge as well as the probationer of a potential conflict of interest. When a probationer is ordered by a judge to be on probation, they may not willingly yield to what the PPP requests if they know a conflict of interest could arise. Mr. McDonald agreed, stating a criminal will complain to get out of being on probation, since to them their situation is always someone else's fault. Mr. Ormond suggested modifying the language to better suite this issue. Mr. McDonald felt discouraged that this issue was not addressed in the hearing. Mr. Jones reminded him that was not the issue being discussed, at that time.

Mr. Jones suggested revising R156-50-502 (4), of the proposed rules, to state; "failing to disclose any potential conflict of interest relating to supervision of an offender, as set forth in Subsection 58-50-2(5), including but not limited to the following circumstances."

Mr. Ormond stated it might be too late to get anything before the 2005 Legislature. He then asked the Board if they knew of any legislators with law enforcement ties who would be willing to represent the proposed statutory change. The Board submitted three names to be considered. Mr. Ormond said he would see what he could do to get this before the Law Appropriations Committee.

After further review by the Division, it was determined that a statutory change would not be pursued at this time. This issue needs further review by the profession to be addressed by the 2006 Legislature.

NEW APPLICATIONS:

Nicole Snyder

Ms. Snyder met with the Board to review her experience as a PPP. Mr. Ormond reviewed Subsection 58-50-5, "Qualifications for Licensure", Utah Code Annotated, which states an applicant shall "have a baccalaureate degree in a program approved by the division, or have a

Nicole Snyder Apt (cont)

combination of equivalent education and training as determined by the division in collaboration with the board.” Ms. Snyder’s experience indicates five years of experience consisting of one year with the Utah State Prison and four years with the Bureau of Criminal Identification (BCI).

Mr. Ormond stated he did not feel her experience met the statutory requirements for this profession. Mr. McDonald noted that most of her experience seems to be clerical in nature with only minimal personal contact with her cliental. He further felt the personal approach she would need for this profession was not there. However, with the experience she has, she is familiar with how the system works, which should be very beneficial. Mr. Daniels agrees but he interprets the statute as meaning a person needs “field experience” which Ms. Snyder does not have.

Mr. McDonald stated if police experience, or being Peace Officer Standards and Training certified (POST), is what the statute was referring to, it needs to specify that. Ms. Ockey stated a PPP does not have arrest powers so whether a person is POST certified should not matter. Mr. Daniels confirmed that a PPP should have training in criminal thinking as well as practical experience in interviewing, interrogation techniques, and report writing. Ms. Snyder does have some experience in interviewing, supervision of probationers, understanding court orders and documents and viewing case plans. Mr. Ormond stated the qualifications should be defined more. Mr. Daniels mentioned some of the colleges and universities are now offering classes that would be beneficial to the profession.

Ms. Snyder stated even though she did not have extensive personal contact with clients, she has taken fingerprints for background checks, worked inside a prison, and taken extra employment related courses in sexual harassment, and FBI regulations. She was also the Terminal Agency Coordinator (TAC) liaison between the Division she worked for and BCI. She has been gaining experience by sitting in on meetings with a licensed PPP from Layton, for the past two months. Ms. Ockey asked if the PPP would be willing to continue supervising her. Ms. Snyder affirmed she felt the PPP would.

Nicole Snyder Apt (cont)

Mr. Ormond reminded the Board of the options before them, one being they could place Ms. Snyder on a Memorandum Of Understanding (MOU). This would give Ms. Snyder time to obtain more experience and education, while the Board is keeping track of how well she is doing. Mr. McDonald thought an MOU was a good idea; stating practical experience is sometimes better than a degree.

Mr. Ormond suggested placing her on a MOU for two years that could be shortened by the Board after one year if they felt she had gained the education and experience the statute requires. A motion was made by Mr. McDonald seconded by Mr. Daniels to issue her a probationary license and put her on a MOU for two years. The MOU would contain the following specific items: 1. work only under the direct supervision of a licensed PPP; 2. meet with the Board quarterly or as requested; and submit quarterly "Employer Reports." The motion carried unanimously.

It was later determined by the Division that Ms. Snyder's experience does meet the requirements of the statute. Therefore, she will not be put on a MOU but will be issued full licensure as a private probation provider.

NEXT MEETING:

January 27, 2004

DATE APPROVED

CHAIRPERSON, PRIVATE PROBATION
PROVIDER BOARD

DATE APPROVED

BUREAU MANAGER, DIVISION OF
OCCUPATIONAL & PROFESSIONAL
LICENSING